

UNITED STATES DISTRICT COURT  
THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION	MDL NO. 1456  Civil Action No. 01-CV-12257-PBS  Judge Patti B. Saris
THIS DOCUMENT RELATES TO:  <i>State of Montana v. Abbott Labs Inc., et al.,</i> 02-CV-12084-PBS	

DECLARATION OF THOMAS M. MCPHILLIPS IN SUPPORT OF  
PFIZER'S MOTION FOR SUMMARY JUDGMENT

1. I am a current employee of Pfizer Inc., and hold the position of Vice President U.S. Trade Group.
2. I have been continuously employed by Pfizer since 1986, and am familiar with its policies regarding direct sales to providers throughout the relevant time period of this litigation.
3. From 1991 through January of 2001, Pfizer would sell its drugs directly to providers at Direct Price, and to our wholesalers at Wholesale List Price.
4. Direct Price was approximately 5% above the Wholesale List Price.
5. Direct orders had a minimum of \$500.
6. Direct Prices for Pfizer drugs were published in Pfizer's annual Direct Retailer & Hospital Price List, and was also available through third-party publications such as those published by RedBook, First DataBank and MediSpan.
7. During the period from 1991 through January of 2001, Pfizer's drugs were available to Montana providers for purchase from Pfizer at Direct Price according to the terms listed above.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct based on personal knowledge.

Executed this 10th day of May, 2007.

  
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Thomas M. McPhillips

**CERTIFICATE OF SERVICE**

I hereby certify that on the 10th day of May, 2007, a true and accurate copy of the Declaration of Thomas M. McPhillips in Support of Pfizer's Motion for Summary Judgment was served upon all parties of record via the Lexis-Nexis Filing System:

DATED: May 10, 2007.

/s/ Mark D. Smith